

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 911 OF 2004

IN

SUM. SUIT NO. 2581 OF 2004

Arcadia Shipping Limited .. Plaintiff.

VS.

HDFC Bank Limited. .. Defendant.

Mr. V. K. Rambhadran for plaintiff.

Ms. Neeta Rajda i/by DSR Asso. for defendant.

CORAM : S.U. KAMDAR, J.

DATE : 4th October, 2005.

P.C.:

. The present suit is filed for recovery of Rs. 6,11,750.48. The suit is filed on the basis that a cheque for Rs. 6,11,750.48 was deposited by the plaintiff in his own account with the defendant. However, while depositing the cheque wrong account number was mentioned with the result the cheque has gone in different account and the concerned customer of the said bank has withdrawn the amount. The summary suit on such a cause of action is not maintainable. There is no written contract for

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repayment of the amount by the defendant to the plaintiff. In my opinion, on his own admission that there is a mistake on his part, there is no liability of the defendant to pay the amount. Hence, unconditional leave o defend.

2. Suit transferred to the list of Commercial Causes. Written Statement or points of defence to be filed four weeks from today. Affidavits list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on Board of the learned Judge taking Commercial Causes.